

Message Text

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ACTION ARA-20

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FM AMEMBASSY MONTEVIDEO

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C O N F I D E N T I A L MONTEVIDEO 3681

E.O. 11652: GDS

TAGS: PGOV, UY

SUBJ: COUNCIL OF STATE

CINCSO FOR POLAD

REF: MVD 3627

1. SUMMARY: THE NEWLY NAMED COUNCILORS OF STATE WILL BEGIN THEIR DELIBERATIONS WITH MOST URUGUAYANS WISHING THEM WELL BUT SOMEWHAT CONCERNED OVER THEIR LACK OF POLITICAL EXPERIENCE. SOME FIRST-RATE MINDS ON THE COUNCIL OF STATE COULD TEND TOWARDS INDEPENDENCE OVER TIME BUT WE DO NOT SEE THIS AS A MAJOR PROBLEM BECAUSE PRESIDENT BORDABERRY HAS CHOSEN A COUNCIL MADE UP BASICALLY OF CONSERVATIVES CLOSELY ATTUNED TO THE OVERALL PHILOSOPHY OF HIS GOVERNMENT. HAVING DEALT HARSHLY WITH OLD INSTITUTIONS WHICH IT BELIEVED THWARTED URUGUETOQUES RECOVERY, THE ADMINISTRATION NOW HAS MADE THE TURN BACK TOWARDS CONSTITUTIONALITY. IT HAS CREATED A LEGISLATIVE BODY WHICH IS EXPECTED TO APPROVE PROMPTLY THE LONG-NEEDED ECONOMIC RECOVERY PACKAGE DEVELOPED BY THE ADMINISTRATION.

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ALTHOUGH THE ADMINISTRATION HAS INDICATED ACCEPTANCE OF THE ECONOMIC

MEASURES URGED BY INTERNATIONAL LENDING INSTITUTIONS AND HAS BEGUN TO MOVE TOWARDS CONSTITUTIONALITY, IT MAY STILL FACE A POTENTIAL THREAT AS MODERATES AND HARD-LINERS IN THE MILITARY JOCKEY FOR POSITION OVER THE NEXT TWO MONTHS WHEN SEVERAL SENIOR BILLETS ARE SCHEDULED TO CHANGE HANDS AND NEW SENIOR OFFICERS ARE SELECTED FOR PROMOTION. END SUMMARY.

2. JUDGING FROM THE COMMENTS OF BOTH THE MEDIA AND OUR CONTACTS, REACTION TO THE NAMING OF THE COUNCIL OF STATE HAS BEEN REMARKABLY UNIFORM. FIRST, THERE IS A LINGERING UNDERTONE OF SADNESS OVER THE CHAIN OF EVENTS (PARTICULARLY THE CLOSING OF CONGRESS) WHICH MADE THE CREATION OF THE COUNCIL NECESSARY, ALTHOUGH THIS IS TEMPERED BY A WIDESPREAD BELIEF THAT DRASTIC MEASURES WERE AND ARE NEEDED TO PULL URUGUAY OUT OF ITS ECONOMIC MORASS. SECOND, THERE IS SOME FEAR THAT THE NEW COUNCILORS LACK THE POLITICAL EXPERIENCE TO HANDLE THE DIFFICULT TASK FACING THEM BUT THIS IS COMBINED WITH A RECOGNITION THAT THE COUNCILORS HAVE DISTINGUISHED THEMSELVES IN THEIR RESPECTED PROFESSIONS AND THAT THEY NOW CAN CONTRIBUTE TO THE NATION. THIRD, THERE IS A FEELING THAT A TURNING POINT HAS BEEN REACHED AND THAT THE COUNCIL SHOULD AND WILL HAVE THE SUPPORT OF THE NATION AS IT BEGINS ITS WORK.

3. AN EMBASSY OFFICER DISCUSSED THE JURIDICAL BASIS FOR THE COUNCIL WITH THE PRESIDENT OF THE SUPREME COURT AND WITH ANOTHER PROMINENT JURIST A FEW DAYS AGO. BOTH AGREED THAT THERE WERE HISTORICAL PRECEDENTS FOR THE COUNCIL IN THAT PRESIDENT TERRA HAD DISSOLVED THE CONGRESS IN 1933 AND NAMED A JUNTA OF GOVERNMENT TO ADVISE HIM AND PRESIDENT BALDOMIR HAD, IN 1942, DISSOLVED THE CONGRESS AND NAMED A COUNCIL OF STATE TO ADVISE HIM AND "TO ACT AS A LEGISLATIVE BODY". THE PRESIDENT OF THE SUPREME COURT BASED THE LEGAL EXISTENCE OF THE NEW COUNCIL ON THE JUNE 27, 1973, DECREE IN WHICH, HE SAID, THE EXECUTIVE VOLUNTARILY LIMITED ITS OWN POWERS. THE OTHER JURIST AGREED BUT EMPHASIZED THE DE FACTO BASIS FOR THE COUNCIL AS BEING MORE IMPORTANT

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THAN THE DE JURE, IMPLYING THAT HE WHO GIVES MAY ALSO TAKE AWAY. IN FACT, EMBASSY OFFICERS HAVE SPOKEN WITH A NUMBER OF URUGUAYANS WHO REJECTED PRESIDENTIAL OFFERS OF COUNCIL OF STATE POSITIONS BECAUSE THEY WERE CONVINCED THAT AN ADMINISTRATION WHICH CLOSED THE CONGRESS COULD ALSO CLOSE A COUNCIL OF STATE WHICH BALKED AT ADMINISTRATION PROPOSALS.

4. THE CONSENSUS AMONG INFORMED URUGUAYANS IS THAT ALTHOUGH THE COUNCIL TECHNICALLY WILL HAVE FULL LEGISLATIVE POWERS, IT WILL NOT BE PERMITTED MUCH FLEXIBILITY. GIVEN THE FACT THAT THE COUNCIL DOES INCLUDE SOME HIGHLY INTELLIGENT AND DISTINGUISHED URUGUAYANS, SUCH AS ETCHEGOYEN AND RODRIGUEZ LARRETA, IT MAY, OVER TIME, TEND TO ASSUME A MORE INDEPENDENT ROLE WHICH COULD LEAD TO DIFFERENCES WITH THE EXECUTIVE. IF THAT POINT WERE TO BE REACHED AND THE DIFFERENCES WERE BASED ON FUNDAMENTAL ISSUES, THE PRESIDENT WOULD BE FACED WITH HAVING TO CHOOSE BETWEEN DEALING WITH ANOTHER OBSTREPEROUS LEGISLATIVE BODY OR DEVIATING FROM THE PATH BACK TO FULL CONSTITUTIONALITY. HOWEVER, WE DOUBT THAT A CLASH IS LIKELY BECAUSE OF THE COUNCILORS' OVERALL CONSERVATISM, AGE (AVERAGING SOME 60 YEARS) AND VIRTUAL LACK OF POLITICAL EXPERIENCE. THOSE FEW WHO HAVE HAD POLITICAL TIES IN THE PAST COME PRINCIPALLY FROM BLANCO GROUPS WHICH SUPPORTED THE PRESIDENT EARLY IN HIS TERM. THUS, WHILE BORDABERRY HAS FILLED A JURIDICAL AND PSYCHOLOGICAL NEED FOR A LEGISLATIVE BODY, HE HAS NOT BROADENED HIS POLITICAL BASE OR CREATED WHAT IS LIKELY TO BECOME AN INNOVATIVE BODY. WE DO NOT BELIEVE THAT HE SOUGHT TO DO EITHER. INSTEAD, DISTRUSTFUL OF THE PROFESSIONAL POLITICIANS, HE HAND-PICKED A BASICALLY APOLITICAL GROUP OF HONORABLE CITIZENS WHO SHARE HIS PHILOSOPHY AND WHO CAN BE EXPECTED TO SUPPORT THE ECONOMIC RECOVERY PROGRAM HIS ADMINISTRATION HAS DEVELOPED.

5. OVER THE VERY SHORT TERM, THE CREATION OF THE COUNCIL WILL HAVE LITTLE IMPACT ON BILATERAL RELATIONS BETWEEN URUGUAY AND THE U.S. ALTHOUGH U.S. PRIVATE INVESTORS HAVE INDICATED THAT THEY WILL MOVE AHEAD WITH NEW INVESTMENTS AS SOON AS THE PROPOSED FOREIGN INVESTMENT LAW IS APPROVED. ALSO ON THE COUNCIL'S AGENDA IS THE RATIFICATION

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OF THE NEW EXTRADITION TREATY WITH THE UNITED STATES, A TREATY WHICH IMMEDIATELY WOULD PROVIDE US WITH ANOTHER WEAPON IN OUR EFFORTS TO COMBAT DRUG TRAFFIC.

6. OVER THE COMING MONTHS THE ACTIONS OF THE COUNCIL SHOULD IMPACT MORE HEAVILY ON OUR BILATERAL RELATIONS IN THAT COUNCIL APPROVAL OF A NUMBER OF ADMINISTRATION ECONOMIC MEASURES SHOULD LEAD TO AN ACTION PROGRAM WHICH WE AND A NUMBER OF INTERNATIONAL AGENCIES HAVE LONG URGED AND WHICH COULD ESTABLISH THE BASIS FOR MEANINGFUL FOREIGN ASSISTANCE.

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